



20 OCT 2006

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In re Application of
BAKER, et al.
Application No.: 10/524,677
PCT No.: PCT/AU03/01043
Int. Filing Date: 15 August 2003
Priority Date: 15 August 2002
Attorney Docket No.: PRO101
For: INTERACTIVE PROPERTY TOUR

COMMUNICATION

This communication is in response to applicant's correspondence filed 05 June 2006 in the United States Patent and Trademark Office (USPTO) which included a new declaration and power of attorney.

BACKGROUND

On 15 August 2003, applicant filed international application PCT/AU01/01043 which claimed priority to a previous Australian application filed 15 August 2002. Pursuant to 37 CFR 1.495, the deadline for submitting payment of the U.S. Basic National fee was to expire at midnight on 15 February 2005.

On 14 February 2005, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a signed declaration.

On 30 August 2005, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) identifying defects in the filed declaration and indicating that an executed oath or declaration of the inventor was required complying with 37 CFR 1.497 (a)-(b) was required. Applicant was afforded two months to file a proper response.

On 05 June 2006, applicant filed the papers discussed herein.

On 06 June 2006, applicant was mailed a "Notification of Abandonment" (Form PCT/DO/EO/909) informing application that the present application was abandoned as to the National stage in the United States for failure to respond to the "Notice of Missing Requirements" mailed on 30 August 2005.

DISCUSSION

As shown above, this application is abandoned as to the United States for failure to timely reply to the form PCT/DO/EO/905 mailed 30 August 2005. If applicant did not receive the Office action applicant should proceed with a petition to withdraw holding of abandonment pursuant to 37 CFR 1.181. In addition, applicant should consider filing a petition to revive pursuant to 37 CFR 1.137(a) or 37 CFR 1.137(b). None of these recommendations should be interpreted as to whether any of the above petitions would ultimately be granted.

Regarding the presently filed declaration. It does not comply with 37 CFR 1.497(a)-(b). Specifically, it does not identify the application to which it is directed nor is the specification attached. In addition, it sets forth an additional inventor, Marlene Dawn Norton-Baker who does not appear on the published international application.

CONCLUSION

This application remains abandoned as to the United States of America.

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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